

REMARKS

Claims 1-5 and 7 are pending in the above-captioned application. Claim 6 has been cancelled. Claim 7 has been amended. Claims 1 and 7 are in independent form.

Specification

1. The amendment filed on March 27, 2008 is objected to under 35 U.S.C. §132(a) because it introduces new matter into the disclosure. Specifically, the Examiner states that the "housing having two opposing sides and locating the levers in view of the housing is new material" and is not supported by the original disclosure. In response, Applicant respectfully points out that Figures 2 and 3, as originally filed, clearly show a housing 19 having a first side 21 and a second side 23. Figures 2 and 3, as originally filed, also clearly show a latch hook 22 disposed on the first side 21 of the housing 19 and a release lever 30 disposed on the second side 23 of the housing 19.

In the amendment mailed on March 25, 2008, Applicant amended Figures 2 and 3 by adding reference characters 19, 21, and 23 to specifically identify the housing 19, the first side 21 and the second side 23, which as stated above, were clearly shown in the figures as originally filed.

Applicant has amended the specification to correspond with the originally filed drawings. Specifically, Applicant has amended paragraph [0012] to disclose a latch hook 22 disposed on a first side 21 of a housing 19 and a release lever 30 disposed on a second side 23 of the housing 19. Because the added material is supported by the original disclosure, it is not new matter. Thus, the objection to the amendment filed on March 27, 2008 under 35 U.S.C. §132(a) is moot.

Claim Rejections - §112

2-3. Claims 6 and 7 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

The Examiner states that “[c]laims 6 and 7 require a housing having opposing sides and the levers located relative to the housing. This is considered new matter.” In response, Applicant has cancelled claim 6 and amended claim 7.

Claim 7, as amended, does not include new matter. Applicant respectfully points out that Figures 2 and 3, as originally filed, clearly show a housing 19 having a first side 21 and a second side 23. Figures 2 and 3, as originally filed, also clearly show a latch hook 22 disposed on the first side 21 of the housing 19 and a release lever 30 disposed on the second side 23 of the housing 19. Applicant has amended claim 7 to claim a latch hook 22 disposed on a first side 21 of a housing 19 and a release lever 30 disposed on a second side 23 of the housing 19. Thus, the rejection of claim 7 is moot.

Therefore, Applicant respectfully requests that the rejection of claims 6 and 7 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement be withdrawn.

Claim Rejections - §103

4-8. Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,308,130 to Lee (“the ’130 reference”) in view of U.S. Pat. 5,899,508 to Cetnar et al. (“the ’508 reference”). Applicant respectfully traverses the rejection.

The ’130 reference discloses a door latch 10 for a vehicle 1 that is equipped with a block out mechanism 160 that prevents rotation of a pivoted operating lever 76 when the vehicle 1 decelerates rapidly. The block out mechanism 160 includes a block out lever 174 having a tab 182. The block out lever 174 pivots between an unactuated position out of a path of movement of the operating lever 76 and an actuated position blocking the operating lever 76 so that it cannot pivot to unlatch the door latch 10.

Claim 1 of the above-captioned application includes the limitation “wherein said release lever includes a slot presenting sides for engaging a portion of said inertia lever for automatically toggling said inertia lever in response to movement of said release lever to prevent seizing of said inertia lever within the latch mechanism.”

The '130 reference does not disclose a release lever including a slot having sides for engaging a portion of an inertia lever for automatically toggling the inertia lever in response to movement of the release lever. The Examiner identifies the operating lever 76 and the block out lever 174 in the '130 reference as equivalent to the release lever 30 and the inertia lever 50, respectively, in the above-captioned application. In the '130 reference, the operating lever 76 does not include a slot having sides for engaging a portion of the block out lever 174, as specifically required by claim 1 of the above-captioned application. Further, the block out lever 174 pivots between an unactuated position out of the path of movement of the operating lever 76 and an actuated position in the path of movement of the operating lever 76. There is absolutely no disclosure in the '130 reference that the operating lever 76 engages a portion of the block out lever 174 to toggle the block out lever 174 to prevent seizing, as specifically required by claim 1 of the above-captioned application.

The Examiner contends that the '508 reference discloses that it is very well known in the vehicle latch art to include a tab and slot engagement and, as such, that it would have been obvious to include a slot on the operating lever 76 for engagement with the tab 182 of the block out lever 174. First, Applicant respectfully asks for clarification as to where the Examiner proposes to add a slot on the operating lever 76 for engagement with the tab 182.

Second, there is no teaching, suggestion, or motivation to add a slot as taught by the '508 reference on the operating lever 76 of the '130 reference. The block out lever 174 is either in the unactuated position out of the path of movement of the operating lever 76 or in the actuated position in the path of movement of the operating lever 76. Thus, even if the operating lever 76 had a slot it is unclear what affect the addition of a slot would have to the operation of the door latch 10. Therefore, there is no teaching, suggestion, or motivation to add a slot to the operating lever 76.

Third, even if a slot as taught by the '508 reference is added on the operating lever 76 of the '130 reference, the operating lever 76 will not engage a portion of the block out lever 174 and automatically toggle the block out lever 174 to prevent seizing, as specifically required by claim 1 of the above-captioned application. A pivot axis 82 of the operating lever 76 is perpendicular to a pivot axis 178 of the block out lever 174. Therefore, pivoting the operating

lever 76 about the pivot axis 82 cannot toggle the block out lever 174 about the pivot axis 178, as specifically required by claim 1 of the above-captioned application. Rather, if the block out lever 174 is in the unactuated position out of the path of movement of the operating lever 76, the operating lever 76 will not engage the block out lever 174 at all. Alternatively, if the block out lever 174 is in the actuated position in the path of movement of the operating lever 76, the operating lever 76 will engage the block out lever 174 and be prevented from pivoting about the pivot axis 82. Clearly, the operating lever 76 will not, and cannot, toggle the block out lever 174 about the pivot axis 178.

Claims 2-5 depend from claim 1 and, as such, are construed to incorporate by reference all the limitations of the claim to which they refer, *see* 35 U.S.C. §112, fourth paragraph. Thus, claims 2-5 must be read as including the limitation of a release lever having a slot presenting sides for engaging a portion of an inertia lever for automatically toggling the inertia lever in response to movement of the release lever to prevent seizing of the inertia lever.

Claim 4 includes the further limitation “wherein upon side impact said inertia lever moves to a second position such that said tab is not aligned with said slot.”

The '130 reference, as modified by the '508 reference does not disclose an inertia lever that moves to a second position such that a tab on the inertia lever is not aligned with a slot in a release lever. In the '508 reference, a slot 68 receives a tab 76 in a sliding relation. *See* column 5, line 3. Applicant points out that the tab 76 is always disposed within the slot 68. Thus, if a slot as taught by the '508 reference was added on the operating lever 76 of the '130 reference for engagement with the tab 182 of the block out lever 174, the tab 182 would always be disposed within the slot. Therefore, the block out lever 174 would not move to a second position such that the tab 182 on the block out lever 174 is not aligned with a slot in the operating lever 76, as specifically required by claim 4 of the above-captioned application.

Applicant has cancelled claim 6.

Claim 7 of the above-captioned application includes the limitation “wherein said release lever includes a slot presenting sides for engaging a portion of said inertia lever for automatically toggling said inertia lever in response to movement of said release lever to prevent seizing of

said inertia lever within the latch mechanism." Therefore, the same arguments apply as set forth above with respect to claim 1.

Therefore, Applicant respectfully requests that the rejection of claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over the '130 reference in view of the '508 reference be withdrawn.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



David J. Ford (Reg. No. 62,462)
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226-3435
(313) 965-8575

Date: Oct. 7, 2008
Attorney Docket No: 19339-100309